GOVERNENT OF ANDHRA PRADESH

ABSTRACT

Civil Supplies –Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation), Order, 2016 – Notification – Orders Issued

CONSUMER AFFAIRS, FOOD AND CIVIL SUPPLIES (CS.I) DEPARTMENT

G.O.MS.No. 9 **Dated: 30-05-2017**

Read the following:

1. G.O. Ms. No. 30, Consumer Affairs, Food and Civil Supplies(CSI) Department dated 08.08.2008.
2. G.S.R.929(E) dt.29.09.2016, Dept. of Consumer Affairs, M/o Consumer Affairs, Food and Food Public Distribution, GOI.
3. S.O.No.3341(E) dt. 27.10.2016 of Dept. of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Govt. of India, New Delhi.
4. File No.S-11/02/2015-ECR&E, dt.07.03.2017 from the Dy.Secretary to GoI, D/o Consumer Affairs, M/o CAF&PD, New Delhi.
5. S.O.No.1200(E) dt. 27.04.2017 of Dept. of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Govt. of India, New Delhi.
6. S.O.No.1600(E) dt.17.05.2017 of Dept. of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Govt. of India, New Delhi.
7. GOI Lr.No.S-10/4/2016-ECR&E, dt.17.05.2017 from the Dy.Secretary, D/o Consumer Affairs, M/o CAF&PD, New Delhi.

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ORDER:

State Govt., with the prior consent of the Govt. of India, issued a regulatory order "**the AP Scheduled Commodities (Licensing, Storage and Regulation) Order, 2008"** requiring the dealers to take license and to maintain the prescribed stock limits. The APSCD(LSR) Order,2008, will be in force concurrently with the validity of the Central Orders, vide G.O. 1st read above.

2) The GOI has been amending its order, allowing stock limits for specific commodities for specific periods and discontinuing and again re-imposing the

restrictions, since 2002 to last upto September, 2016. At present, licensing and stock limits are permitted to the commodities of pulses, edible oils and edible oil seeds only vide S.O.No.2642(E), dt.28.09.2015. Accordingly, the APSCD (LSR) Order, 2008 is being amended from time to time since 2008 in consonance with the GOI orders.

3) Now the Govt.of India in supersession of the earlier order have issued fresh orders, Removing licensing Requirements, Stock limits and movement restrictions on ECs, except to the commodities namely

i) Pulses, for period upto 30.09.2017
ii) Sugar, for period upto 28.10.2017
iii) Edible oils and edible oil seeds, for a period upto 30.09.2017.

vide GOI Notification No. GSR 929(E), dt.29.09.2016, read 2nd above.

4) Further, the GOI in SO No.3341(E), dt.27.10.2016 and 1200(E) dt.25.04.2017 have issued an amendment to the above said order keeping the provisions in abeyance for 'Sugar' up to 28.10.2017.

5) Further, the GOI in SO No.1600(E), dt.17.05.2017 have issued an amendment to the Central Govt. order No.GSR.929(E) dated 29.09.2016 removing '**Pulses**' from said order and instructed that henceforth till further orders the controls imposed by the States / UTs on pulses are to be denotified.

6) The APSCD(LSR)order,2008 was issued in 2008 in the united A.P State and since then several amendments were issued. Many of the clauses / provisions are not applicable / ceased of importance in the present situation.

7) Therefore, after careful examination of the matter, Govt. considered it would be appropriate to issue revised order on licensing,

stock limits with relevant provisions in place of the earlier order for the commodities of edible oils, edible oil seeds and sugar making it more suitable to the present conditions as per the Govt. of India orders and obtained prior concurrence of the GOI for issue of fresh order, vide GOI letter 4th read above.

8) Accordingly, the Government, hereby order for publication of the appended " the Andhra Pradesh Scheduled Commodities Dealers(Licensing, Storage, Regulation) Order,2016.

9) The Director of Printing, Stationery and Stores Purchase(printing wing), Andhra Pradesh, Vijayawada shall publish the Notification in the Extra-ordinary issue of the Andhra Pradesh Gazette and send 100 copies of the Gazette notification to the Government immediately after publication for record.

10) The Director of Translation, Vijayawada shall furnish immediately the translation of the notification into the regional languages concerned to the Director of Printing, Stationery and Stores Purchase(printing wing), Andhra Pradesh, Vijayawada to enable him to publish the same in the Andhra Pradesh Gazette and also in the District Gazette under intimation to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Ex. Officio Principal Secretary to Government

To,

The Director of Printing, Stationery and Stores Purchase (Printing Wing), Vijayawada(for publication of the Notification in an extraordinary issue of the Andhra Pradesh Gazette).

Copy to:-
The Commissioner of Civil Supplies, A.P., Vijayawada.
The Director General Vigilance & Enforcement Dept, A.P., Vijayawada.

The VC & Managing Director, A.P. State Civil Supplies Corporation Ltd, Hyderabad.
The Director of Translation, Vijayawada.
All District Collectors.
All Joint Collectors.
All District Supply Officers.

The Secretary to GOI, Department of Consumer Affairs, Ministry of Food and Public Distribution, Krishi Bhavan, New Delhi- 110001.
The PS to Minister for Food and Civil Supplies.
The President, A.P Pulses Dealers Association, Vijayawada for information and necessary compliance.
The President, A.P. Oil Millers Association, Vijayawada.
The Federation of Andhra Pradesh Chambers of Commerce and Industry, Vijayawada.
SF / SC.

(Annexure to G.O. Ms. No. dtd. .05. 2017)

NOTIFICATION

In exercise of the powers conferred by Section 3 and 5 of the Essential Commodities Act. 1955(Central Act 10 of 1955), read with G.S.R. No.929(E) dated 29th September, 2016, S.O.No.3341(E) dated 27.10.2016, S.O.No.1200(E) dated 25.04.2017 and S.O.No.1600(E) dated 17.05.2017 of Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, New Delhi and with the prior concurrence of the Central Government in the Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, vide File No.S-11/02/2015-ECR&E, dated 07.03.2017 and letter No.S-10/4/2016-ECR&E dated17.05.2017, the Governor of Andhra Pradesh hereby notify "The Andhra Pradesh Scheduled Commodities Dealers(Licensing, Storage and Regulation) Order,2016" which is appended to this order.

Ex. Officio Principal Secretary to Government

Consumer Affairs, Food & Civil Supplies (CS.I) Department,

Regulation of Commodities i.e., Edible oils, Edible Oil Seeds, and Sugar by licenses and Stock limits

THE ANDHRA PRADESH SCHEDULED COMMODITIES DEALERS (LICENSING, STORAGE AND REGULATION) ORDER, 2016
(G.O.Ms.No. Consumer Affairs, Food & Civil Supplies (CS.I) Department, May, 2017)

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In exercise of the powers conferred by Section 3 and 5 of the Essential Commodities Act. 1955(Central Act 10 of 1955), read with G.S.R. No.929(E) dated 29.09.2016, S.O.No.3341(E) dated 27.10.2016, S.O.No.1288(E) dated 25.04.2017 and S.O.No.1600(E) dated 17.05.2017 of the Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, New Delhi and with the prior concurrence of the Central Government in the Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, vide File No.S-11/02/2015-ECR&E, dated 07.03.2017 and GOI letter No.S-10/4/2016-ECR&E, dated 17.05.2017, the Governor of Andhra Pradesh hereby makes the following Order namely:-

1. Short title, extent and commencement:

(1) This Order may be called the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2016.

(2) It extends to the whole of the State of Andhra Pradesh

(3) It shall come into force on the date of publication of this Order in the Andhra Pradesh Gazette and shall remain in force as directed from time to time by the Central Government.

2. Definitions:- In this order, unless the context otherwise requires.

A. "State Government" means the State Government of Andhra Pradesh.

B. "Commissioner" means the Commissioner of Civil Supplies, Government of Andhra Pradesh and includes the Director of Civil Supplies, Government of Andhra Pradesh.

C. "Collector" means the Collector of the revenue district and includes Joint Collector of the district.

D. "Scheduled Commodities" means commodities mentioned in the Schedule -1 to this order.

E. "Edible oil seeds" means any oil seeds used for extracting or manufacturing or refining any edible oils for cooking for human consumption and includes hydrogenated vegetable oils other than coconut oil.

F. "Edible Oil" means any oil used directly or after processing for human consumption and includes hydrogenated vegetable oils other than coconut oil.

G. "Sugar" means any form of sugar containing more than 90% of sucrose including Sugar Candy, Khandasari Sugar or Bura Sugar, Crushed sugar or any form of sugar in crystalline or powdered form.

H. **"Dealer"** means any person, firm, association of persons, company, institution, organization engaged in the business of purchase, movement, sale, supply, distribution or storage for sale of any of the commodities specified in Schedule I whether as a wholesaler or retailer or commission agent or producer or manufacturer or importer or exporter and whether or not in conjunction with any other business, and includes his representatives or agent.

(i) "**Wholesaler** "means a person who sells scheduled commodities to other dealers, retailers and consumers including bulk consumers directly;

(ii) "**Retailer**" means a person who sells scheduled commodities to consumers directly;

(iii) **"Commission Agent"** means the commission agent having, in the customary course of business as such agent, authority either to sell Scheduled Commodities or to consign Scheduled Commodities for purpose of sale or to buy Scheduled Commodities

(iv) **Dealer in respect of edible oilseeds and edible oils**

A person, who engages himself in the business of purchase, sale or storage for sale of edible oilseeds or edible oils in quantity of more than (5) **five quintals** of any one or all edible oils including hydrogenated vegetable oils taken together or (30) **thirty quintals** of any one or all edible oilseeds including groundnut in shell taken together, and includes a manufacturer of edible oils, but does not include Farmers/agriculturalists who stores oil seeds for his personal cultivation or seed purpose.

(v) **"Producer in relation to edible oils"** means a person carrying on the business of expelling, extracting or manufacturing or refining any edible oils:-

(a) by buying edible oilseeds for being processed by himself and selling the finished products through a wholesaler or through a commission agent,

or

(b) by doing any of the processes of extracting or manufacturing or refining on behalf of another.

(vi) **"Dealer in Sugar"** means a person engaged in the business of purchase, sale and storage for sale of Sugar in quantities of five quintals at any one time, but does not include the undertaking which is engaged in the manufacture or production of sugar and which is registered or licensed under the Industries (Development and Regulation) Act, 1951 or a Khandasari unit licensed under the

Provided that bulk consumer is defined in sub-clause (ix) of this clause who store more than five quintals of sugar at any point of time shall also be considered as dealer for the purpose of licensing under this order and required to obtain license under this order.

(vii) **"Bulk Consumer"** means a hotel, a restaurant, halwai, an educational institution with hostel facilities, a hospital or a religious or charitable institution, Bakeries, Biscuit manufacturers, Food processing industry, and Confectionery manufacturing unit.

I " Licensing authority " means :-

(i) in relation to wholesalers, the District Supply Officer of the district concerned or such other Officer not below the rank of a Revenue Divisional Officer as the State Government may so appoint having jurisdiction over the place of business; and

(ii) in relation to retailers Vijayawada, Visakhapatnam, Tirupathi and Kurnool towns, the Assistant Supply Officer concerned and elsewhere (other than the above cities), the Tahsildar having jurisdiction over the place of business;

Provided that where a dealer applies for a Composite Licence for conducting both wholesale and retail business, the Licensing Authority empowered to grant wholesale licence shall also exercise the powers in respect of retail licence.

Provided further, that each chain of Super Bazaar / Malls in the State would be given wholesale licence where wholesale stocks are stored and each branch of super bazaar / malls would be given a retail licence by the respective Licensing Authorities.

3. Restriction on possession of Scheduled Commodities by dealers:

With a view to ensuring that the scheduled commodities are available in the market and unlimited stocks are not held by the dealers in their business premises without releasing them into the market, so as to have a salutary effect on the prices of scheduled commodities, every dealer shall obtain a license issued by the competent authority and shall not either by himself or by any person on his behalf, store or have in his possession at any point of time the commodities in excess of the quantities specified in Schedule-II to this order.

4. Issue and renewal of licence:-

(i) Every application for a licence or renewal thereof shall be made to the licensing authority in Form A as prescribed in Schedule-III to this Order.

(ii) Every licence issued, re-issued or renewed under this Order shall be in Form-B as prescribed in Schedule –III to this Order.

(iii) Every application for renewal shall be made along with the licence before expiry of the period of licence.

(iv) The Licence may be renewed under special circumstances, if the application for renewal is received within one month after the expiry of the period of its validity i.e., within the grace period subject to payment of fee prescribed in Clause 5 of this order. However, if an application for renewal of licence is made after one month grace period, the licence shall cease to be valid and the entire security deposit made under sub- clause (1) of Clause 6 shall be forfeited.

Provided that where an application for issue of fresh licence has been received by the Licensing Authority and if the application is not rejected, or returned for valid reasons, within a month the applicant can thereafter commence business and continue till such time his application for grant of licence is rejected.

Provided further that the application seeking for issue of fresh licence or renewal or issue of duplicate licence received by the Licensing Authority, shall be disposed of within a period of (1) one month from the date of receipt of the applications. Under no circumstances the application for renewal / issue of duplicate licence shall be entertained by the Licensing Authority beyond the specified period of (1) one month.

5. Period of Licence and fee chargeable:-

(i) Every licence granted under this Order shall be valid for a period ending 31st March initially and may be renewed further for a period of one year or as specified from time to time by the Government;

(ii) The fees specified below shall be chargeable in respect of licence(s) namely:-

1. LICENCE FEES:-

(a) Composite licence for all Scheduled Commodities

		Rs.
(i)	Wholesale and retail	3000/-
(ii)	Wholesale	2000/-
(iii)	Retail	1000/-

(b) Edible oilseeds / Edible oils :

(i)	Wholesale	1000/-
(ii)	Retail	500/-

(c) Sugar

(i)	Wholesale	1000/-
(ii)	Retail	500/-

2. RENEWAL FEES :

(a) Composite licence for all Scheduled Commodities

(i)	Wholesale and retail	1000/-
(ii)	Wholesale	500/-
(iii)	Retail	200/-

(b) Edible oilseeds and Edible oils

(i)	Wholesale	500/-
(ii)	Retail	200/-

(c) Sugar

(i)	Wholesale	500/-
(ii)	Retail	200/-

3. DUPLICATE LICENCE FEES :-

(**a) Composite licence for all Scheduled commodities:**

(i)	Wholesale and Retail	1000/-
(ii)	Wholesale	500/-
(iii)	Retail	300/-

(**b) Edible oil seeds and edible oils**

(i)	Wholesale	500/-
(ii)	Retail	200/-

(c) Sugar

(i)	Wholesale	500/-
(ii)	Retail	200/-

4. A separate licence shall be obtained by a dealer for each place of business except in respect of places of purchase.

(a) A producer (Miller) / Commission Agent shall take wholesale licence from the licensing authority

(b) The holder of a licence may obtain from the Licensing Authority a duplicate of the licence issued to him if the original is lost, destroyed or defaced.

6. Deposit of Security:-

(1) Every person applying for licence under this Order shall, before such licence is issued to him, deposit the amounts indicated hereunder, with the Licensing Authority for the due performance of the conditions subject to which the licence is granted.

		Wholesale	Retail	Composite (wholesale + retail)
		Rs.	Rs.	Rs.
(i)	Sugar	5,000	2,500	10,000
(ii)	Edible Oilseeds and Edible Oils	5,000	2,500	10,000
(iv)	Composite license for all commodities	10,000	5,000	25,000

Provided that nothing in this sub-clause shall apply to a shop run by the State Government undertaking or a Corporation wholly owned by the State Government under a Government Scheme.

(2) The security may be in the shape of National Defence Certificates, National Savings Certificates and the like pledged, or cash deposited in Government Treasury of the district concerned for due performance of the terms and conditions subject to which the licence is granted to him.
Provided that nothing contained in this clause shall apply to the Wholesale Consumers Cooperative Societies, Primary Cooperative Stores and the Gram Panchayats running fair price shops.

7. Power to refuse to grant or renew licence:-

The Licensing Authority may after giving the applicant / dealer concerned an opportunity of stating his case and for reasons to be recorded in writing, refuse to grant or renew licence.

8. Cancellation or suspension of a licence:-

(1) No holder of a licence issued under this order or his agent or servant or any person acting on his behalf shall contravene any of the terms or conditions of the licence, and if any such holder or his agent or servant or any person acting on his behalf contravenes any of the said terms or conditions, then without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by an order in writing of the Licensing Authority.
Provided, that no order shall be made under this clause unless the licensee has been given reasonable opportunity of stating his case and being heard in person against the proposed cancellation or suspension.

Provided further that if any dealer possessing a licence for more than one scheduled commodity contravenes any of the provisions of this Order in respect of one scheduled commodity the licence shall be suspended or cancelled in respect of that commodity only duly following the procedure and in such cases, fresh licence for the remaining period in respect of remaining commodity shall be issued by the Licensing Authority.

(2) Notwithstanding any thing contained in sub-clause (1) above where a licensee has been convicted by a court of law in respect of contravention of any Order made under Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) relating to any of the commodities mentioned in Schedule–I to this Order, the Licensing Authority shall by order in writing cancel his licence.

Provided that where such conviction is set aside in any appeal or revision, the Licensing Authority may, on application, in Form-'A' by the person whose licence has been cancelled, re-issue the licence to such person.

9. Forfeiture of Security Deposit:

(1) Without prejudice to the provisions of sub-Clause (4) of Clause 4 and Clause 8, if the Licensing Authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of the security is called for, the said authority may, after giving the licensee a reasonable opportunity of stating his case and being heard in person against the forfeiture, by order, forfeit, the whole or any part of the security deposit made by the licensee under sub-clause (1) of Clause 6 of the Order.

(2) Where the security deposit of a licensee or any portion thereof is forfeited, the licensee shall deposit the amount so forfeited.

(i) Where no appeal against the order of forfeiture has been filed within thirty days from the date on which the order was communicated to him,

or

(ii) Where appeal against such order has been filed and dismissed, within seven days of the dismissal of appeal.

(3) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited as aforesaid, shall be returned to the licensee after the termination of the licence.

10. Disposal of stock when licence is cancelled or suspended:-

When licence issued under this Order is cancelled or suspended, the stocks of that scheduled commodity available with the licensee in respect of which contravention has taken place, shall be disposed of with the directions of the licensing authority.

11. Power of the State Government in special circumstances and issue of directions:-

(1) Government with the prior concurrence of Central Government shall exercise the power and issue a general or special order, when it is considered necessary or expedient to do so for securing the availability of the scheduled commodities at fair prices throughout the State and when the price rise is found to be abnormal, the State Government shall interfere with the trade and tackle the crisis situation and contain the prices of scheduled commodities so as to ensure that common man gets the supply of scheduled commodities without lot of hindrance on the part of trade and specify at which rate the scheduled commodities shall be bought and sold within the State. Price fixation shall be done after adding incidentals etc. keeping in

view the Minimum Support Price for the commodities communicated by the Central Government during the respective crop year.

(2) The Government shall issue instructions or directions by way of general or special order for undertaking de-hoarding operations to mitigate the rising trend of prices of scheduled commodities, in accordance with the provisions of this Order in the larger public interest, for distribution through Public Distribution System by evolving a separate distribution mechanism through Government Agencies. The dealers shall comply the orders of the Government.

(3) Without prejudice to the generality of the foregoing power, such directions may be issued to any dealer that any one scheduled commodity or all scheduled commodities put together may be sold to only such persons or institutions, through such Government Agencies, in such quantities and at such intervals as the Commissioner, Collector or the licensing authority may by general or special order, direct.

12. Directions to convert Edible Oil Seeds into Edible Oils:-

The Government, the Commissioner, the Collector or the Licensing Authority may, if considered necessary, direct that a dealer shall convert wholly or partly, edible oil seeds stored or held by him for the purpose of conversion into edible oils within a reasonable period.

13. Licensee not to purchase scheduled commodities at prices lower than the notified procurement price from farmers:-

Any person who holds a licence under this Order, or his agent or servant or any other person acting on his behalf and transacting business by purchasing scheduled commodities shall not purchase the scheduled commodities of fair average quality specifications at a price lower than the price notified, if any by the State Government or the Central Government.

14. Licensee not to sell schedule commodities at prices higher than maximum price fixed:

The licensee shall not sell the scheduled commodities at a price higher than the maximum price, if any, fixed therefor, from time to time by the Central Government or by the State Government.

15. Appeal:

(1) Any person aggrieved by an order of the Licensing Authority refusing to issue, re-issue or renew a licence or cancelling or suspending a licence or forfeiting the security deposit under the provisions of this Order, may within thirty days of the date of receipt of the Order by him, appeal to the Joint Collector if such

order is that of the District Supply Officer or the Tahsildar in districts.

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Provided that in case of cancellation of a licence by the licensing authority on the ground of conviction by a Court of Law, no appeal against such cancellation shall lie to the Appellate Authority;

(2) No order shall be passed in appeal unless the aggrieved person has been given an opportunity of stating his case in writing and being heard in person;

(3) Pending the disposal of an appeal, the appellate authority may direct that the order refusing to renew a licence or the order canceling or suspending a licence shall not take effect, until the appeal is disposed of.

16. Revision:-

(1) The State Government may on their own motion or on an application made to them, call for and examine the record of the subordinate officers to satisfy themselves, as to the regularity of such proceedings, or correctness, legality or propriety of any decision passed or made therein and if in any case it appears to the Government that any such decision or order should be modified, annulled or remitted for reconsideration, they may pass orders accordingly.

(2) No order prejudicial to any person shall be passed under sub-clause (1) above, unless such person has been given an opportunity of making his representations.

(3) The State Government may direct that the order refusing to renew a licence or the order canceling or suspending a licence shall not take effect, until the revision is disposed of.

17. Powers of entry, search, seizure etc:-

(1) The Licensing Authority or any other officer of the Civil Supplies / Revenue Department not below the rank of U.D. Cadre or any Commercial Tax Inspector or any officer of Police Department not below the rank of sub-inspector in his respective jurisdiction, may with such assistance, if any, as he thinks fit or any Gazetted Officer of Vigilance and Enforcement Department;

(a) require the owner, occupier or any other person in charge of any place, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of the licence issued there-under has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contraventions.

(b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to

believe that any contravention of the provisions of this Order or of the conditions of the licence issued there-under has been, is being or is about to be committed.

(c) seize any books of accounts and documents which in the opinion of the licensing authority or as the case may be, the authorized officer, would be useful for or relevant to any proceedings under this Order and return such books of accounts and documents within three months from the date of such seizure to the person from whom they were seized after taking or causing to be taken extracts from or copies thereof as certified by the person in form "D".

(d) search, seize and remove stocks of all or any of the commodities mentioned in Schedule – I to this order in respect of which contravention has taken place; and the animals, vehicles, vessels or other conveyance used in carrying the said commodity in contravention of the provisions of this Order or of the conditions of the licence issued thereunder and thereafter take or authorize to take all measures necessary for securing the production of stocks of commodities and the animals, vehicles, vessels or other conveyance so seized before the Collector and for their safe custody pending such production.

(2) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) regarding search and seizure shall, so far as may be, apply to searches and seizures under this clause.

18. Marginal variations in the Stocks at the time of inspection of business premises:

(1) (i) Mistakes in mathematical totaling;

(ii) If the stock register does not show the place from which the stock was brought or sent but the information is available from any other register or document;

(iii) If the stock register could not be maintained for any particular day due to sickness, pressure of work or unavoidable circumstances;

(iv) When the variation between the book and the ground stock is upto 0.5% on the stock available at the time of inspection.

(v) In the course of the normal transaction, if the licensee forgets to mention either the licence number or date on the bill or memo.

In above cases of marginal variations, rectifications of records shall be allowed at the time of inspection.

(2) RETAILERS AND WHOLESALERS:

(a) Retail shops with an annual turnover of less than Rs 2 lakhs shall not be inspected by the Officers of the Vigilance and Enforcement, Revenue, Civil Supplies and Police Departments. However, for the purpose of source checking in connection with some other crime or in cases of specific complaints against the retailers for hoarding, blackmarketing, etc., of essential

commodities, such retail shops can be inspected and during such inspections variations if any shall be allowed upto half percent (0.5%) on the stock available at the time of inspection. Every retail dealer shall file a declaration to the licensing authority about the annual turnover within one month after every accounting year is over and obtain an acknowledgement from the licensing authority along with the official seal on the duplicate copy, and this shall be produced to the officials whenever they inspect his premises.

(b) For violation of provisions of this Order such as failure to submit periodical "C" form returns, non maintenance of stock boards, and non-exhibition of price lists, prosecution need not be launched.

However, departmental action may be initiated. The statement indicating the details of stock transacted in every month submitted to the Commercial Taxes Department, a copy of the same should be submitted to Civil Supplies authority at the district level as "C" form return.

(c) Producers and wholesale dealers shall be allowed a variation in stocks upto 5 (five) quintals or upto 10% (ten percent) of the ground stocks, whichever is less, at the time of inspection.

(d) wholesale dealers in edible oils shall be allowed a variation of 2% (two percent) without any ceiling of the total stocks of edible oils at the time of inspection.

(e) Producers in edible oils shall be allowed a variation in edible oils stocks upto 4% of the stocks at the time of inspection.

(f) Producers and wholesale dealers in edible oil seeds shall be allowed a variation in stocks up to 5% (five percent) of the stocks, at the time of inspection.

(g) Retail shops with an annual turnover of Rs.2 lakhs and above dealing with pulses, sugar, edible oilseeds and edible oils shall be allowed a variation upto 2.0% (two percent) of the stocks at the time of inspection without any ceiling.

19. **Repealing and Savings:-**

(a) Nothing contained in this order shall affect;

(i) the transport, distribution or disposal of scheduled Commodities to places outside the State, nor shall it be applicable to import of scheduled commodity. Provided that the Central or State Governments may direct the importers to declare the receipts of stocks of scheduled commodity, and stocks retained by them.

(ii) the following categories of dealers are exempted from stock limits in respect of edible oils and edible oil seeds,

(a) an exporter, being a wholesaler or retailer or dealer, having Importer-Exporter Code Number issued by the Directorate General of Foreign Trade, if such exporter is able to demonstrate that the whole or part of his stock in respect of edible oils and edible oil seeds are meant for exports, to the extent of the stock meant for export;

(b) a retailer having multiple outlets or large departmental retailers;
(c) stock essential to be used as raw materials by licensed food processors for manufacture of food products;
(d) an importer, being a wholesaler or retailer or dealer. If such importer is able to demonstrate that part of his or her stocks in respect of edible oils and edible oilseeds are sourced from imports; then these would be excluded for the purpose of calculation of stock limits.

(iii) the purchase, sale or storage for sale of scheduled commodities under this Order on Government account or the Andhra Pradesh State Civil Supplies Corporation, or the Girijan Cooperative Corporation or A.P. Markfed.

(iv) the sale by banks of stocks hypothecated to them, provided that the commodity is sold in accordance with the terms and conditions applicable to the hypothecators.

(**b) The Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 is hereby repealed**;

provided that such repeal shall not affect.

(i) the previous operation of any of the said order or anything duly done or suffered there- under; or
(ii) any right, privilege, obligation or liability acquired, or incurred under the said order; or
(iii) any penalty, forfeiture, or punishment incurred in respect of any offence committed against the said order, or
(iv) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued, enforced and any other penalty, forfeiture or punishment may be imposed as if the said order has not been repealed.

20. Validity of this order:- This order shall remain in force concurrently with the validity of the Central Orders issued in GSR No.929(E) dated 29.09.2016, S.O.No.3341(E) dated 27.10.2016, S.O.No.1288(E) dated 25.04.2017 and S.O.No.1600(E), dt.17.05.2017 further orders that may be issued from time to time by the Central Govt.

DCS & EOAS CCS & EO.Prl.Secretary

Schedule-I

[(See Clause 2(D)]

1. Edible Oils and Edible Oilseeds
2. Sugar

...

Schedule-II

Edible Oil Seeds including Groundnut in Shell:

		Wholesaler (MTs)	Retailer (MTs)	
(1)	Category "A' Cities (with a population of 10 lakhs and more)	225	15	(i) All edible oil seeds taken together (ii) For groundnut kernel or seed 75% of the limits specified shall apply.
(2)	Category 'B' Cities (with a population of 3 lakhs and more but less than 10 lakhs)	150	11	
(3)	Category 'C' Cities Other areas not covered in (1) & (2) above (with a population of below 3 lakhs)	120	7.5	

Edible Oils including Hydrogenated Vegetable Oils:

		Wholesaler (MTs)	Retailer (MTs)	
(1)	Category "A' Cities (with a population of 10 lakhs and more)	90	10	All edible oils including hydrogenated vegetableoils
(2)	Category 'B' Cities (with a population of 3 lakhs and more but less than 10 lakhs)	60	5	
(3)	Category 'C' Cities Other areas not covered in (1) & (2) above (with a population of below 3 lakhs)	37	3	

Provided further that where a dealer is also carrying on business as Producer or Commission agent, he shall be entitled to retain the stock limits specified above for each such business if such business and accounts thereof are kept separate and distinct from one another;

Provided also that no producer specified in Col. (1) of the table below shall store or have in his possession at any one time edible oil seeds or mustard seeds, as the case may be, in excess of the quantity specified in the corresponding entry in column (2) of the said table and he shall not hold the finished stock in excess of the quantity specified in the corresponding entry in Col.(3) of the said table.

Producer(miller)

	Quantity of un milled edible oilseeds	Quantity of stock of milled stock of edible oils including refined oil
1	2	3
Producer of edible oils	$1/8^{th}$ of the maximum quantity of edible oilseeds used by him in any of the three years immediately after the commencement of his production.	$1/24^{th}$ of the maximum of his production in any of the three years immediately after the commencement of his production.

NOTE: For the purpose of computing the stock limit specified in columns (3) above, the raw oils (except solvent extracted oils) oils in process or in semi processed state and finished product shall be taken into consideration.

Provided also that where any quantity of edible oils or edible oilseeds is in transit, then, for the purpose of this sub-clause, such quantity shall not, during the period when such quantity is in transit, be deemed to have been included in the stocks of the dealer in whom the property in such quantity is retained during such transit in accordance with the terms of any contract or agreement in pursuance of which the quantity is put in such transit.

Provided also, that nothing in this clause shall apply to a commission agent who does not retain any consignment of edible oil seeds or oils received by him for a period exceeding fifteen days from the date of its receipt.

Sugar stock limits:

		Wholesaler (Quintals)	Retailer (Quintals)
(a)	Category "A' Cities	2000	50
(b)	Category 'B' and 'C' Cities	1000	40
(c)	Khandasari (open pan Sugar) (Anywhere in the State)	2000	50

Provided also that where any quantity of Sugar is in transit, then, for the purpose of this sub-clause, such quantity shall not, during the period when such quantity is in transit, be deemed to have been included in the

stocks of the dealer in whom the property in such quantity is retained during such transit in accordance with the terms of any contract or agreement in pursuance of which the quantity is put in such transit.

Provided that nothing in this Order shall apply to the holding or keeping of stock of sugar –

(i) on Government Account or;

(ii) by the recognized dealers nominated by a State Government or an officer authorized through fair price shops; or

(iii) by the Food Corporation of India.

DCS & EOAS **CCS & EOPS**

Schedule – III
(See Clause 4(i))

FORM – A

The Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2016

APPLICATION FOR GRANT / RENEWAL OF LICENCE

Type of license: Retail / wholesale / Both Wholesale & Retail / Miller(producer) / Commission Agent, etc.,

Category of commodities intend to trade : (commodities to be mentioned)

1. Applicant's name
2. Applicant's profession
3. Applicant's residence
4. Situation of applicant's place of business with particulars as to number of house, street, town or village, police station and district.
5. How long has the applicant been trading in the commodities for which licence is applied for?
6. Did the applicant hold for the commodity, licence on any previous occasion? If so give particulars including its suspension or cancellation if any.
7. Quantity of each scheduled commodity handled annually during the last three years.
8. Quantity of scheduled commodities likely to be handled during the Current year.
9. Income Tax paid in the two years preceding the year of application

(to be indicated separately)

10. (a) Quantity of scheduled commodities in the possession of the applicant on the date of application and the places at which the different quantities are kept (Separate figures are to be given for each variety)

(b) Complete address of places where the scheduled commodities are proposed to be stored

I declare that the quantities of scheduled commodities specified above are in my possession this day and are held at the places noted against them.

I have carefully read the conditions of licence given in Form B appended to the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2016 and I agree to abide by them.

* (a) I have not previously applied for such licence in this District for Scheduled Commodities now applied for

* (b) I applied for such licence in this District for on _____and was/was not granted licence on _____.

* (c) I hereby apply for renewal of licence No._____ dated issued to me on _____ which is enclosed.

* (d) I enclose herewith the challan bearing No. _____ dated _____ for Rs._____ paid into the Sub-treasury _____ Bank _____ towards licence / renewal fee.

* (Strike off the clauses not applicable)

Place :
Date : Signature of the Applicant

Form – B

[See Clause 4 (ii)]

Licence for (*regulation of business of scheduled commodities)* **storage for sale, transport, distribution, disposal, acquisition, use or consumption of Scheduled Commodities**

Licence No.

Retailer / Wholesaler
Both retailer and wholesaler
Producer
"Producer, Wholesaler and / Commission Agent"

1. Subject to the Provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2016 and the terms and conditions of this licence Sri/Ms. _____ is/are hereby authorized to storage for sale, transport, distribution, disposal, acquisition, use or consumption the under mentioned commodities as Retailer / Wholesaler / both Retailer and Wholesaler, Producer/both Producer & Wholesaler
(commodities to be mentioned)

_____

2. (a) The licensee shall carry on the aforesaid business at the following place :

_____

(b) Commodities in which the aforesaid business to be carried on shall not be stored at any place other than the place of business noted in condition 2(a) above or any of the godown mentioned below :

_____

_____

_____

Note :- If the licensee intends to store his commodities in places other than those specified in the licence, he shall apply to the licensing authority, producing the licence for making requisite changes therein by the licensing authority. The licensing authority shall issue permission within 48 hours from the time of receipt of such application for occupying new godowns. If such permission is not received by the applicant within the said time, it shall be deemed that the applicant has been permitted to occupy the new godowns.

(c) The licensee shall take adequate measures to ensure that the commodities stored by him are maintained in proper condition and that damages to the commodities due to ground moisture, rain, insects, rodents, birds, fire and such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and foodgrains shall be fumigated with chemicals approved for the purpose by persons who have undergone practical training in that regard. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate are not stored along with the commodities in the same godown or in immediate juxtaposition of stocks.

3. (i) The licensee shall maintain a register of daily accounts for each commodity mentioned in condition – (1), showing correctly :-
   (a) the opening stock on each day;
   (b) the quantities received on each day showing the place from where and the source from which received.
   (c) the quantities delivered or otherwise removed on each day showing the places of destination; and
   (d) the closing stock on each day.

(ii) The licensee shall enter the particulars referred to in item (b) and item (c) of sub-clause (i) above in the register as soon as the relevant transaction takes place.

(iii) The licensee shall complete his accounts for each day on the day to which they relate.

(iv) A licensee who is a producer himself should separately show the stock of his own produce in the daily account, if such stocks are stored in his business premises.

(v) The licensee shall keep in the business premises mentioned in condition –2, all the records and books relating to the transactions of purchase, sale or storage for sale, so as to make them readily available to the inspecting officers for check.

4. The licensee shall, submit separately for each licence held by him to the licensing authority concerned a true return, in Form – C of the stocks, receipts and deliveries of such of the commodities every month so as to reach him within five days after the close of the month.

5. The licensee shall not contravene the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2016 or any other Order relating to foodstuffs, or edible oilseeds or edible oils issued under the Essential Commodities Act, 1955 (Central Act 10 of 1955).

6. The licensee shall not, contravene the provisions of any law relating to foodstuffs or edible oilseeds or edible oils for the time being in force.

7. The licensee shall not :-

(i) enter into any transaction involving purchase, sale or storage for sale all or any of the scheduled commodities in a speculative manner, prejudicial to the maintenance and easy availability of supplies of scheduled commodities in the market.

(ii) withhold from sale supplies of scheduled commodities ordinarily kept for sale, or

(iii) charge, in respect of any sale of scheduled commodities made by him a price in excess of that calculated, when the rate of sale by such licensee is fixed by the Central Government or the State Government in pursuance of the powers conferred by any law for the time being in force, or by the producer.

8. (1) Every licensee shall exhibit at the entrance or some other prominent place of his business, the price list of scheduled commodities held for sale,

(2) A price list of scheduled commodities specified in clause (1) :-

(a) shall be exhibited in plain and legibly written in Telugu/ English language or in the chief language of the district concerned.

(b) shall include separately the prices of different classes or varieties of scheduled commodities; and

(c) shall bear the signature of the licensee with date.

Explanation :- In this clause, the expression 'written' includes printing, lithography and other modes of representing or reproducing words in a visible form.

(3) The prices indicated in the price – list shall at no time exceed those at which the licensee shall sell or offer to sell in any locality, any scheduled commodity under condition 7(iii).

9. The licensee shall, issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number and the name, address and licence number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any officer authorized by him in this behalf

10. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer of the Civil Supplies / Revenue Department not below the rank of U.D. cadre, for the inspection of stocks and accounts of any shop, godown, or other place used by him for the storage, sale or purchase of scheduled commodities and for the taking of the samples thereof for examinations.

11. The licensee shall comply with any direction that may be given to him by the State Government or the Licensing Authority in regard to purchase, sale or storage for sale of scheduled commodities and in regard to the form and language in which the registers, return, receipts, or invoices or price lists mentioned in conditions 3, 4, 8, or 9 shall be written and the authentication and maintenance of the registers mentioned in condition 3. 12. The licensee shall in case where he functions in regulated market, abide by such instructions relating to his business as are given by the marketing authority having jurisdiction and in any other case by such body as may be recognized by the State Government in this behalf.

13. This licence shall be surrendered to the Licensing Authority when it has expired or is no longer required by the licensee.

14. The licence shall not be transferred to any other person by the person to whom it is issued and in case of change in the ownership, a fresh licence shall be obtained by the person who acquires such ownership.

15. The licence shall be valid upto _____.

Place : Signature of the Officer
Date : issuing the licence

FORM – C

(For use by a dealer)
(See condition 4 of Form – B)

Return of stocks, receipts and sales of scheduled commodities for the month ending _____20

Name …….

No. of licence ……

Address …….
……
……

Particulars of godowns where stock held …….. variety of scheduled commodities

(in quintals)

Particulars	Pulses	Sugar	Edible oil seeds	Edible oils edible oils	Remarks
1.	2.	3.	4.	5.	6
1. Stock at the Beginning of the month.					
a. Actually with the licensee					
b. Pledged with any person or institution. (such as a bank or coop. society)					
Total					

2. Quantity purchased during the month and the sources of supply.

Note : Information in respect of the "Source of supply" shall be furnished by the licensee indicating the market or markets and the quantity purchased from each market. He need not give details of the names of each such dealer and of the quantity purchased from each such dealer unless in any single case he has purchased a quantity of 200 quintals or more.

3. Quantity received out of quantity purchased :

(quantity in bags /quintals)

From	Pulses	Sugar	Edible oil	Edible oils	Date of

			seeds		purchase
1	2	3	4	5	6
i)					
ii)					
iii)					
Total					

4. Quantity sold
   (a) Quantity sold during the month

   (b) Quantity sold but not yet delivered

   Total sold :

5. Stock at the end of the month
   (a) actually with the licensee
      (i) unsold
      (ii) sold but waiting delivery

   (b) Pledged with any person or institution such as a bank or co-operative Society :

   Total :

To
The Licensing Authority

……. District.

Place : Signature.

Date : Licence No.

F O R M – D

(See Clause 17 (1) (c))

The Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008

I hereby certify that this extract from …… **of this copy of …… is the true extract from or copy of the original……seized from me on …… and returned to me on ……**

Place: **Signature of the person concerned**
Date:

***